

**THE NOTES BELOW REPRESENT
NOTES AFTER THE SECOND CHECK
HAS BEEN COMPLETED.**

CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE ROBERT E LAW -----

DATE: 03/05/04 TIME: 8:30 DEPT: V9G -----

I. CASE #: VC VS00198

CASE NAME: MTR OF LEONARD L MIANO JR

HEARING: Accounting Review

COUNSEL:

DANIEL A MCCREA (PET) ... PRO/PER

BETTY A MIANO (PET) ... PRO/PER

LEONARD L MIANO (CTP) ...

GENERAL INFORMATION: Waiver of accounting already approved. Next hearing re accounting scheduled for 3-24-06. Per Court Investigator report voter disqualification should remain. This matter may go off calendar.

CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE ROBERT E LAW -----

DATE: 03/05/04 TIME: 8:30 DEPT: V9G -----

I. CASE #: VC VS00212

CASE NAME: MTR OF ANGELA DELGADO

HEARING:

Hearing Re: Proof of Blocked Account/Attorney Fees.

COUNSEL:

ANGELA DELGADO

(PET) ... GEORGE A VAUSHER

JOSE DELGADO

(PET) ... GEORGE A VAUSHER

GENERAL INFORMATION: Continued from 12-12-03 and 2-6-04.

THIS CASE IS SET FOR HEARING ON supplemental accounting and attorney fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner indicates that real property in Texas has now been sold resulting in liquid assets for the estate in the amount of \$47,922.87. Petitioner requests that the assets be placed in a blocked account rather than requiring an increase in bond. This appears reasonable. The court will have to set a control date for proof of the blocked account.
2. Attorney has filed a notice of hearing for the request for attorney fees and has included a declaration saying that he expects that the court will not allow the entire attorney fees requested. Counsel has requested \$14,523.75, which he contends is a 25% reduction in his fees. He contends that he has actually earned \$19,365, which is reflected in his revised itemization. Originally he attached to his notice of hearing and proof of service a copy of his itemization. A review of the original itemization shows only \$17,365. Hence, \$2,000 was not accounted for. It should be noted that the petitioner in the original itemization contended that he spent 12 hours at \$250 preparing a 4 page accounting. This appears excessive. In the revised itemization counsel has tacked on a number of additional hours for the accounting. Petitioner also appears to be charging for time traveling from Irvine. While it is perfectly fine for the Conservator to retain whatever counsel they want, it is not necessarily the responsibility of the estate to pay for the travel costs of that attorney. The court is invited to review the itemization. There are a number of items that appear excessive.

RECOMMENDATION: Court needs to set control date for proof of blocked account. Review itemization to determine if the requested fees are excessive.

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HONORABLE JUDGE ROBERT E LAW -----

DATE: 03/05/04

TIME: 8:30

DEPT: V9G -----

I. CASE #: VC VS00352

CASE NAME: MTR OF RICHARD MACDONALD

HEARING:

Hearing re: 1ST ACCT OF CONSERVATOR & SUMMARY OF ACCOUNT

COUNSEL:

KEVIN MACDONALD

(CPE)...E LAWRENCE BROCK

RICHARD MACDONALD

(CEP)...

GENERAL INFORMATION: Covers 12-30-02 through 12-30-03.

THIS CASE IS SET FOR HEARING ON first account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service on Conservatee.
2. Court has ordered bond in the amount of \$50,000. Petitioner has applied for the bond, but it has not yet been issued.
3. Petitioner requests fees of \$2,835 representing 94.5 hours at \$30 per hour. It appears that a large amount of these fees were for shopping and travel time. On what basis should petitioner be paid at a rate of \$30 per hour? Petitioner also requests reimbursement of mileage or \$462.50 representing 1,250 miles at .37 per mile. Amounts are itemized.
4. Attorney requests fees of \$5,060 representing 25.3 hours at \$200 per hour. Counsel also requests reimbursement of costs of \$34.40. Both amounts are itemized.
5. Please explain in more detail what payment of personal debt on 11-21-03 relates to.
6. Other than number 5, accounting looks ok.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for the next account for 3-3-06, to cover the period of 12-31-03 through 12-31-05. Accounting to be filed 30 days in advance.

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HONORABLE JUDGE ROBERT E LAW -----

DATE: 03/05/04

TIME: 8:30

DEPT: V9G -----

I. CASE #: VC VS00390

CASE NAME: CONSERVATORSHIP OF MARIANNA E OLSON, ET AL

HEARING:

Hearing Re: INVENTORY AND APPRAISAL.

COUNSEL:

ROBERT M REED

(PET) ... GREGORY L ZUMBRUNN

MARIANNA E OLSON

(CEP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Inventory and appraisal has been filed.
2. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents.

RECOMMENDATION:

Require petitioner to file bank statements.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE ROBERT E LAW

DATE: 03/05/04

TIME: 8:30

DEPT: V9G -----

1. CASE #: VC VS00403

CASE NAME: CONSERVATORSHIP OF JERRY R. JONES, SR.

HEARING:

Hearing Re: PETN FOR INSTRUCTIONS REQ CNSVTR TO REFUND MONIES.

COUNSEL:

DEBRA BLACKMORE

JERRY R JONES SR

MELODIE SCOTT

LARRY HAYEK

FRANCES HAYEK

JERRY R JONES JR

(PET) ... STANLEY W HODGE

(CEP) ...CALDWELL, KENNEDY & PORTER

(PET) ... PRO/PER

(PET) ... JAMES BRUCE MINTON

(PET) ... JAMES BRUCE MINTON

(OBJ)...ZUMBRUNN LAW CORPORATION

GENERAL INFORMATION: The petitioners allege that they are creditors of the Conservatee. They allege that prior to the establishment of conservatorship the Conservatee entered into a contract to sell them real property. They allege that they paid \$65,000 toward that purchase. They believe the escrow was terminated when the conservatorship was established. They did not receive reimbursement of their money and now want the Conservator and trustee ordered to reimburse them.

THIS CASE IS SET FOR HEARING ON petition for instructions and request for Conservator to refund money.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. While Pr.C. § 2403 does allow a creditor to petition the court for instructions to Conservator concerning management of the conservatorship, it would appear that the matter is more properly brought under Pr.C. § 850. Under that section it can be alleged that the Conservator and trustee are in possession of assets belonging to the petitioners. This allows for full litigation of an otherwise civil matter. Judge to decide.
2. There is no opposition in the file at the time of this review.

RECOMMENDATION:

Court to decide if petition should be brought under Pr.C. § 850, with service according to that section.

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HONORABLE JUDGE ROBERT E LAW

DATE: 03/05/04

TIME: 8:30

DEPT: V9G -----

I. CASE #: VC VS00423

CASE NAME: MTR OF DOROTHY SMITH-TINDALL

HEARING:

Petition for Appointment of Conservator

COUNSEL:

SUSAN SALLIOTE

(PET) ... ANNE SCANLON ZIMMERMAN

DOROTHY SMITH-TINDALL

GENERAL INFORMATION: Temporary letters issued 1 -28-04.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and the estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner has requested all Pr.C. § 2590 powers because petitioner is the trustee of Conservatee's trust. If she is trustee then why does she need powers under the conservatorship to handle matters relating to the trust. Trust assets are not a part of the conservatorship estate. Petitioner also says she needs all 2590 powers as Conservatee's current husband has taken all of her money and spent it on gambling. However, there is no real property in the estate assets. There is merely pension income and \$17,000 in other assets. It is not at all clear why all 2590 powers are needed. Please clarify.
2. We received a notice of no report from Court Investigator, as Conservatee will be present and has nominated Conservator.
3. File return of citation.
4. File certificate of assignment.
5. Set bond in the amount of \$30,000.

RECOMMENDATION:

If petition granted court will have to set future dates. Review Conservatee's rights with Conservatee. Pr.C. § 1828. Set hearing for filing of inventory and appraisal for 8-13-04. Set hearing for filing of status report and/or accounting for 4-1-05. Any accounting to be filed 30 days in advance.

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HONORABLE JUDGE ROBERT E LAW -----

DATE: 03/05/04 TIME: 8:30 DEPT: V9G -----

I. CASE #: VG VS01333

CASE NAME: MTR OF PAIGE TAPPE, MAEGAN TAPPE, JOLEE TAPPE

HEARING:

Petition for Termination of Guardianship

COUNSEL:

PAT TAPPE	(PET) ... PRO/PER
JERALD TAPPE	(PG)...PRO/PER
PAIGE TAPPE	(MIN)...
MAEGAN TAPPE	(MIN)...
JOLEE TAPPE	(MIN)...

GENERAL INFORMATION: Petitioner has requested that the matter go off calendar. However, on 3-2-04 the court appointed new temporary guardians. Court may wish to proceed with the petition. If the court does proceed and Pat Tappe is not present court may have to continued matter for notice to her.

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HONORABLE JUDGE ROBERT E LAW

DATE: 03/05/04

TIME: 8:30

DEPT: V9G -----

I. CASE #: VG VS01501

CASE NAME: MTTR OF SEAN & JOSEPH APODACA

HEARING:

Petition for Appointment of Guardian

COUNSEL:

MARIPAT DYKES

(PET) ... PRO/PER

SEAN APODACA

(MIN)...

JOSEPH APODACA

(MIN)...

AMANDA YOVINO

(PET) ... PRO/PER

PATRICK YOVINO

(PET) ... PRO/PER

GENERAL INFORMATION: Continued from 12-12-03 and 1-23-04. Court accepted resignation of former temporary guardian and appointed petitioners herein the temporary guardians. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by sister and brother-in-law, minors 13 and 9.

1. Temporary letters issued 12-2-03.
2. Another petition was filed by the step maternal grandmother. She has since resigned as temporary guardian and has asked that the court appoint the current petitioners.
3. File notice of hearing and proof of personal service on father and oldest minor or due diligence declarations.
4. File notice of hearing and proof of mailed service on paternal grandparents or due diligence declaration.

RECOMMENDATION:

None

Superior Court of Calif, County of San Bernardino

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE ROBERT E LAW

DATE: 03/05/04

TIME: 8:30

DEPT: V9G -----

I. CASE #: VG VS01522

CASE NAME: MTR OF MARKELL LEON MARTIN JR

HEARING:

Petition for Termination of Guardianship

COUNSEL:

DARLENE R HAMILTON

(PET) ... PRO/PER

MARKELL LEON MARTIN JR

(MIN)...

GENERAL INFORMATION: **Per declaration filed on 2-18-04 the petitioner is withdrawing her petition. Notes below apply should she change her mind again.**

THIS CASE IS SET FOR HEARING ON termination of guardianship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service on mother, father, paternal grandfather and Court Investigator.
2. Petitioner is the guardian and indicates that the father of the minor wishes to have his son back.

RECOMMENDATION:

None.

Superior Court of Calif, County of San Bernardino

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE ROBERT E LAW

DATE: 03/05/04

TIME: 8:30

DEPT: V9G -----

1. CASE #: VG VSOI552

CASE NAME: MTR OF SUMMER FAITH HUBBELL

HEARING:

Petition for Appointment of Guardian

COUNSEL:

WILMA M HUBBELL

(PET) ... PRO/PER

SUMMER FAITH HUBBELL

(MIN)...

GENERAL INFORMATION: Temporary letters issued 1 -20-04.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by great grand mother, minor 2.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. Court may wish to review confidential screening form.

RECOMMENDATION:

None.

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HONORABLE JUDGE ROBERT E LAW

DATE: 03/05/04

TIME: 8:30

DEPT: V9G -----

1. CASE #: VG VS01553

CASE NAME: MTR OF NASON R J TOCCO

HEARING:

Petition for Appointment of Guardian

COUNSEL:

JOSEPH TOCCO (PET) ... PRO/PER

BETTY TOCCO (PET) ... PRO/PER

NASON R J TOCCO (MIN) ...

GENERAL INFORMATION: Temporary letters issued 1 -22-04.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by paternal grandparents, minor 3 mos.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Due diligence declaration filed as to father. He is a fugitive and cannot be located.
2. Due diligence declaration filed as to maternal grandfather. Judge to decide if sufficient.
3. Mother has filed objections.

RECOMMENDATION:

Mother has filed objections, but has not paid a filing fee or requested waiver of fees. If one or the other is not done the objection will have to be stricken per rule of court. If fees or waiver are filed then matter is contested and should be referred to the Court Investigator.

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HONORABLE JUDGE ROBERT E LAW -----

DATE: 03/05/04 TIME: 8:30 DEPT: V9G -----

I. CASE #: VG VS01554

CASE NAME: MTR OF JONATHAN, CHRISTIAN & AMANDA ADAMS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

DONETTA ADAMS (PET) ... PRO/PER

JONATHAN ADAMS (MIN)...

CHRISTIAN ADAMS (MIN)...

AMANDA ADAMS (MIN)...

GENERAL INFORMATION: Temporary letters issued 1 -23-04.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by sister, minors 16, 15 and 13.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of personal service on all minors and father or due diligence declarations.
2. File notice of hearing and proof of mailed service on Court Investigator and Olivia Drawhorn or due diligence declaration.

RECOMMENDATION:

None.

Superior Court of Calif, County of San Bernardino

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE ROBERT E LAW

DATE: 03/05/04

TIME: 8:30

DEPT: V9G -----

I. CASE #: VG VS01555

CASE NAME: MTTR OF ISAIAH GREEN

HEARING:

Petition for Appointment of Guardian

COUNSEL:

DOLORES NUNEZ

(PET) ...JANIS L HILKE

CHARLES GREEN

(PET) ...JANIS L HILKE

ISAIAH GREEN

(MIN)...

GENERAL INFORMATION: Temporary letters issued 1 -27-04.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandparents, minor 1.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File certified copy of minor's birth certificate.
2. File notice of hearing and proof of mailed service on Court Investigator.

RECOMMENDATION:

None.

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HONORABLE JUDGE RUFUS L YENT

DATE: 03/05/04

TIME: 8:30

DEPT: VPR -----

I. CASE #: VPRVS00713

CASE NAME: ESTATE OF MICHAEL F NICKLIN

HEARING:

Hearing re: FINAL RPT OF ADMIN ON WAIVER OF ACCT

COUNSEL:

MICHAEL F NICKLIN (DEC)...

LORRAINE A NICKLIN (PET) ...MIRAU, EDWARDS, CANNON, HARTER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON final report and request for distribution.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Case has been open since 1996. Petitioners were waiting for a federal statute of limitations to expire on a SBA loan before closing the estate. The statute has expired.
2. Petitioner and counsel have received all but \$586.09 in statutory fees during the course of the probate. They both waive their right to collect additional statutory fees that may be owing as a result of the change in the law. They request that they be paid the figure above.
3. Accounting is properly waived.
4. Petitioner requests permission to withhold \$2,000 in closing costs.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of receipts and final discharge order for 4-1-05.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT -----

DATE: 03/05/04 TIME: 8:30 DEPT: VPR -----

1. CASE #: VPRVS01118

CASE NAME: MTR OF PAULINE RUTH NICOLLS

HEARING:

1ST and Final Account and Report.

COUNSEL:

PAULINE RUTH NICOLLS

(DEC)...

ROY W SHELL

(PET) ... BRIAN R SHUMAKE

BEVERLY C BEHM

(PLA)...TIMOTHY

RONALD HELM

(PLA)...TIMOTHY

NICOLE ANN DAVIS

(PET) ...MALCOLM S MACMILLAN

GENERAL INFORMATION: Continued from 12-5, 1-16 and 1-30-04.

THIS CASE IS SET FOR HEARING ON first and final

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Appears procedurally complete.
2. File order after hearing.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of receipts and final discharge order for 4-1-05.

Superior Court of Calif, County of San Bernardino

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/05/04

TIME: 8:30

DEPT: VPR -----

1. CASE #: VPRVS01580

CASE NAME: EST OF JOHN REAL SERDA aka JOHN R. CERDA

HEARING:

Petition for Probate, Letters of Tstmnty with full authority under IAEA.

COUNSEL:

JESSE DOMINGUEZ (PET) ... SELTERS & SELTERS

JOHN REAL SERDA (DEC)...

JOHN R CERDA (DEC)...

MARGARET GARCIA (PET) ... SELTERS & SELTERS

GENERAL INFORMATION: The court appointed Jesse Dominguez as administrator of this estate. Mr. Dominguez died on 1-3-04.

THIS CASE IS SET FOR HEARING ON Petition for successor administrator, with full I.A.E.A authority and bond of \$200,000.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Appears bond should be \$215,000 rather than the \$200,000 requested.
2. Petition appears procedurally complete.

RECOMMENDATION:

Court may wish to order a final accounting on behalf of the now deceased administrator. The court can order counsel or the new administrator to file the accounting to the best of their ability. Court should set control date at least 60 days out with an order that the accounting be filed at least 30 days prior to the date of hearing.

Upon appointment of the successor administrator, set hearing for filing of status report and/or accounting for 4-1-05. Any accounting to be filed 30 days in advance.

Superior Court of Calif, County of San Bernardino

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE RUFUS L YENT

DATE: 03/05/04

TIME: 8:30

DEPT: VPR -----

1. CASE #: VPRVS01882

CASE NAME: ESTATE OF DAVID E GIBSON

HEARING:

Hearing Re: FILING OF ACCTING AND/OR STATUS REPORT.

COUNSEL:

STEVEN D GIBSON

(PET) ... HOWARD R HAWKINS

DAVID E GIBSON

(DEC),...

ANN GIBSON

(TP)...ZUMBRUNN LAW CORPORATION

GENERAL INFORMATION: Matter continued from 12-5-03 and 1-9-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No status report or accounting has been filed. Attorney Zumbrunn specially appeared for counsel at the last hearing.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue citations and have administrator and counsel personally served.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT -----

DATE: 03/05/04

TIME: 8:30

DEPT: VPR

CASE #: VPRVS01882

CASE NAME: ESTATE OF DAVID E GIBSON

HEARING:

Petition for FAMILY ALLOWANCE AFTER INVENTORY

COUNSEL:

STEVEN D GIBSON

(PET) ... HOWARD R HAWKINS

DAVID E GIBSON

(DEC)...

ANN GIBSON

(TP)...ZUMBRUNN LAW CORPORATION

GENERAL INFORMATION: Continued from 10-31-03 and 1 -9-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Family allowance after inventory.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the surviving spouse of the decedent. She requests \$1,000 per month family allowance. She is one of the persons entitled to make this request. Pr.C. § 6540.
2. Notice appears to be complete.
3. Objections have been filed. Objector contends that the petitioner has not shown need in that she has not indicated what her other income might be. The objector has not shown that anyone else is entitled to support. If she is the only one entitled to support her right is independent of need. (See *Estate of Finch* (1916) 173 Cal. 462, 465.) Objector indicates that there was a passage of 9 months before application was made. However, application can be made at any time. Mere passage of time does not constitute a waiver. (See C.E.B. California Decedent Estate Practice § 16.11.) Objector indicates that the only asset is real property in which the petitioner is living and therefore there are no liquid assets. This does not make the estate insolvent. If the estate is solvent the allowance is payable during the administration. It would seem that as soon as liquid assets become available the allowance should be paid. (See C.E.B. California Decedent Estate Practice § 16.17).

RECOMMENDATION: Set for MSC.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/05/04

TIME: 8:30

DEPT: VPR -----

. CASE #: VPRVS01882

CASE NAME: ESTATE OF DAVID E GIBSON

HEARING:

Petition for ORDER SETTING APART PROBATE HOMESTEAD

COUNSEL:

STEVEN D GIBSON

(PET) ... HOWARD R HAWKINS

DAVID E GIBSON

(DEC)...

ANN GIBSON

(TP)...ZUMBRUNN LAW CORPORATION

GENERAL INFORMATION: Continued from 10-31-03 and 1 -9-04. Nothing new filed.

1. The petitioner is the surviving spouse of the decedent. She contends that she owned the property as a joint tenant with the decedent. That position is disputed. There is a Pr.C. § 850 petition pending. She resides in the property in question. This property is the only property of the estate. The only possible owners of the property are either the decedent and the petitioner or the decedent as his separate property.
2. A probate homestead may be established on property owned in common with the decedent or separate property of the decedent, but may not be established on property owned by a third party without their consent. A probate homestead must be established for a specific time not to exceed the life of the petitioner. The time limit must be set forth in the court's order. Pr.C. § 6524.
3. The surviving spouse is one of the persons entitled to bring this action. Pr.C. § 6521.
4. Notice appears to be complete.
5. There is no opposition in the file at the time of this review.

RECOMMENDATION:

If no opposition grant petition.

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HONORABLE JUDGE RUFUS L YENT -----

DATE: 03/05/04

TIME: 8:30

DEPT: VPR

. CASE #: VPRVS01882
CASE NAME: ESTATE OF DAVID E GIBSON

HEARING:

Petition for SURVIVING SPOUSE TO DETERMINE OWNERSHIP OF PROP ORDER
AUTHO/DIRECTING REP TO TRANSFER ESTATE ECT

	COUNSEL:
STEVEN D GIBSON	(PET)...HOWARD R HAWKINS
DAVID E GIBSON	(DEC)...
ANN GIBSON	(TP)...ZUMBRUNN LAW CORPORATION

GENERAL INFORMATION: Continued from 10-31-03 and 1 -9-04. Objections have been filed. The objection was filed by Steven Gibson the administrator. The objection indicates that it is a response to the petition to determine entitlement to estate distribution. No such petition was filed. It is therefore assumed that he meant the instant petition. Matter is contested, however, there is no evidence that there has been sufficient service of the petition to set the matter for trial.

THIS CASE IS SET FOR HEARING ON Determination of ownership of property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the surviving spouse of the decedent. She contends that she is the true owner of the sole asset of the estate, the family residence. Petitioner claims this by virtue of the joint tenancy deed signed by her and the decedent. The petitioner alleges that the later deed, wherein it is alleged that she transferred the asset to the decedent as his sole and separate property, was obtained by fraud and duress. Petitioner therefore asks the court to find that the property belongs to her pursuant to a Pr.C. § 850 petition.
2. File notice of hearing and proof of service in accord with the requirements of Pr.C. § 851. Mailed notice is insufficient.

RECOMMENDATION:

Determine if notice has been properly served. If it has been properly served then determine if time is need for discovery and set matter for MSC.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT -----

DATE: 03/05/04 TIME: 8:30 DEPT: VPR -----

I. CASE #: VPRVS01927

CASE NAME: ESTATE OF CLARA REVA ROSE BLEVINS

HEARING:

Hearing Re: FILING OF STATUS REPORT AND/OR ACCTIN.

	COUNSEL:
RAY VAUGHN JR	(PET) ... DAVID W BROWN
CLARA REVA ROSE BLEVINS	(DEC)...
DEPT OF HEALTH SERVICES	(TP)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory and appraisal has ever been filed in this case. No status report has been filed. The filing of inventory and appraisal is scheduled for hearing on 3-19.

RECOMMENDATION:

Continue to 3-19-04 to go with hearing on inventory and appraisal. Counsel should be ordered to file both documents forthwith. If nothing filed by the 19th court should consider removal of administrator.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT -----

DATE: 03/05/04 TIME: 8:30 DEPT: VPR -----

1. CASE #: VPRVS01954

CASE NAME: ESTATE OF DIANA TELOW

HEARING:

Hearing Re: FILING OF STATUS REPORT AND/OR ACCTING.

COUNSEL:

DAVID TELOW (PET) ... JANET M HERRING

DIANA TELOW (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON status and/or accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No status report or accounting has been filed.

RECOMMENDATION:

Suggest the clerk notice counsel or the administrator of the need to file documents.

Superior Court of Calif, County of San Bernardino

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CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/05/04

TIME: 8:30

DEPT: VPR -----

1. CASE #: VPRVS01960

CASE NAME: ESTATE OF THOMAS JOSEPH BATTAGLIA

HEARING:

Hearing Re: FILING OF STATUS REPORT AND/OR ACCTING.

COUNSEL:

LOIS MARY BLACKWELL (PET)...MEDEIROS & ASSOCIATES

THOMAS JOSEPH BATTAGLIA (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. See next matter on calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT -----

DATE: 03/05/04

TIME: 8:30

DEPT: VPR

. CASE *: VPRVS01960

CASE NAME: ESTATE OF THOMAS JOSEPH BATTAGLIA

HEARING:

Petition for TERMINATION OF PROBATE FOR ESTATE OF NO VALUE

COUNSEL:

LOIS MARY BLACKWELL

(PET) ...MEDEIROS & ASSOCIATES

THOMAS JOSEPH BATTAGLIA

(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition to terminate a no asset estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Only asset of the estate was repossessed by the lender. There are no other assets.

RECOMMENDATION:

Recommended for approval

CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT -----

DATE: 03/05/04 TIME: 8:30 DEPT: VPR -----

I. CASE #: VPRVS02029

CASE NAME: ESTATE OF EDWARD A GRETCHEN

HEARING:

Hearing Re: ESTATE OF ACCOUNTING.

COUNSEL:

ROBIN K CRAIG (PET) ... PRO/PER

EDWARD A GRETCHEN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting.

THIS CASE IS SET FOR HEARING ON THE FOLLOWING ISSUES AND/OR
DEFICIENCIES IN THE PAPERS ARE NOTED:

1. There is an accounting that has been filed. However, it should be noted that the accounting is not in the proper form and there is no status report. The accounting must be done in compliance with Pr.C. § 1060 et seq.
2. Notice of the above deficiencies were sent to administrator on 2-20-04. Nothing new has been filed.

RECOMMENDATION:

Set matter for O.S.C. re removal. Have the clerk give notice.

CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT -----

DATE: 03/05/04 TIME: 8:30 DEPT: VPR -----

I. CASE #: VPRVS02082

CASE NAME: IN THE MATTER OF WILLIAM L FRISCH

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MARY ROSE (PET) ...MILDRED TEAL

WILLIAM L FRISCH (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Inventory and appraisal has been filed.
2. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents.

RECOMMENDATION:

Recommended for approval subject to number 2.

Superior Court of Calif, County of San Bernardino

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CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/05/04

TIME: 8:30

DEPT: VPR -----

I. CASE #: VPRVS02103

CASE NAME: ESTATE OF CARL F REDDICK

HEARING:

OSC re: DISMISSAL

COUNSEL

CAROLYN CONRAD

(PET) ...CALDWELL, KENNEDY & PORTER, .

CARL F REDDICK

(DEC)...

CARLOS C CASABIAN

(OBJ)...DAVID W BROWN

GENERAL INFORMATION: There were competing petitions for probate. The matter was sent to MSC and the matter was settled. As a result of the settlement there is no property subject to probate. Petition should therefore be dismissed.

CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/05/04

TIME: 8:30

DEPT: VPR -----

1. CASE #: VPRVS02129

CASE NAME: ESTATE OF GOLDIE J. WHISNER

HEARING:

Petition for STLMTN OF 1ST & FINAL ACCT OF ESTATE; PTN FOR FINAL DIST

COUNSEL:

RONALD B WHISNER

(PET) ... DAVID W BROWN

GOLDIE J WHISNER

(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner advanced costs of \$9,706.30 and requests reimbursement. Amount is itemized.
2. Statutory fees are \$4,750.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of receipts and final discharge order for 4-1-05.

Superior Court of Calif, County of San Bernardino

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/05/04

TIME: 8:30

DEPT: VPR -----

I. CASE #: VPRVS02136

CASE NAME: ESTATE OF CARL FRANCIS REDDICK

HEARING:

OSC re: DISMISSAL

COUNSEL:

CARLOS C CASABIAN

(PET) ... DAVID W BROWN

CARL FRANCIS REDDICK

(DEC)...

GENERAL INFORMATION: There were competing petitions for probate. The matter was sent to MSC and the matter was settled. As a result of the settlement there is no property subject to probate. Petition should therefore be dismissed.

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS YENT

DATE:3-5-04

TIME: 8:30

DEPT: V10

CASE #: VPRVS02139

CASE NAME: ESTATE OF COLOMBE G BOUTHILLIER

HEARING RE: INVENTORY & APPRAISAL

COUNSEL:

MARJOLAINE R BOUTHILLIER

CALDWELL KENNEDY & PORTER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

The matter may go O/C.

Superior Court of Calif, County of San Bernardino

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CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/05/04

TIME: 8:30

DEPT: VPR -----

I. CASE #: VPRVS02142

CASE NAME: ESTATE OF SAMUEL LOCKETT

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

DORIS HUNLEY

(PET) ... JANET M HERRING

SAMUEL H LOCKETT

(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

The matter may go O/C.

Superior Court of Calif, County of San Bernardino

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CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/05/04

TIME: 8:30

DEPT: VPR -----

1. CASE 4: VPRVS02147

CASE NAME: ESTATE OF BARBARA LEE LONG

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

SHERRY CASACKY

(PET) ... HARRIET BROWN

BARBARA LEE LONG

(DEC) ...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

The matter may go O/C.

CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/05/04

TIME: 8:30

DEPT: VPR -----

I. CASE *: VPRVS02190

CASE NAME: ESTATE OF DONA JANE HALL

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

LANCE RICHARD HALL

(PET) ... GABRIELLE R. RANSELL

DONA JANE HALL

(DEC)...

GENERAL INFORMATION: A defective proof of publication was filed. Court continued matter from 1-9-04 for filing of proper proof of publication.

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Sole heir waives bond.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of inventory and appraisal for 8-13-04. Set hearing for filing of status report and/or accounting for 4-1-05. Any accounting to be filed 30 days in advance.

CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT -----

DATE: 03/05/04 TIME: 8:30 DEPT: VPR -----

I. CASE #: VPRVS02258

CASE NAME: MTR OF COTA FAMILY TRUST

HEARING:

Hearing re: PTN FOR ORDER CONFIRMING SUCC TRUSTEE

COUNSEL:

AUDREY J COTA (PET) ... DAVID W BROWN

NELSON B COTA (DEC)...

GENERAL INFORMATION: Continued from 2-6-04. The petitioner filed an amended petition clarifying issues raised in the first petition.

THIS CASE IS SET FOR HEARING ON Petition to confirm assets as part of the trust and to confirm successor trustee.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Notice insufficient by one day. Need waivers or continuance.

RECOMMENDATION:

Recommended for approval subject to number 1.

Superior Court of Calif, County of San Bernardino

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CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/05/04

TIME: 8:30

DEPT: VPR -----

1. CASE #: VPRVS02273

CASE NAME: ESTATE OF CARL HH GRAHAM

HEARING:

Petition for Probate, Letters of Tstmntry with full authority under IAEA.

COUNSEL:

DEAN A GRAHAM

(PET) ... DAVID W BROWN

CARL H GRAHAM

(DEC)...

GENERAL INFORMATION: Dean A. Graham was appointed special administrator on 2/3/04

SET FOR HEARING TODAY ON: appointment of Executor with full IAEA authority and admittance of Will to probate; and no bond

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File appears procedurally complete.

RECOMMENDATION:

Recommended for approval. No bond required. Set hearing for filing of inventory and appraisal for 8-13-04. Set hearing for filing of status report and/or accounting for 4-1-05. Any accounting to be filed 30 days in advance.

CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT -----

DATE: 03/05/04 TIME: 8:30 DEPT: VPR -----

I. CASE #: VPRVS02275

CASE NAME: ESTATE OF JOAN K TORRES

HEARING:

Spousal Property Petition hearing.

COUNSEL:

DONALD J LECIK (PET) ... BRIAN J SIMPSON

JOAN K TORRES (DEC)...

GENERAL INFORMATION:

SET FOR HEARING TODAY ON: Spousal Property Petition filed by husband of
decedent

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner has filed a first amended petition. In that petition he amends section 9 listing John Shurat. The petition does not indicate who this person is or what his relationship to the decedent was. It is therefore not possible to determine if the petition should be granted. File supplemental.

RECOMMENDATION:

Continue for filing of supplemental.

CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT -----

DATE: 03/05/04 TIME: 8:30 DEPT: VPR -----

I. CASE #: VPRVS02276

CASE NAME: MTTR OF MARIE LOUISE KOZUMPLIK

HEARING:

Petition to determine succession to Real Property

COUNSEL:

JOHN J KOZUMPLIK (PET) ... THOMAS R LEE

MARIE LOUISE KOZUMPLIK (DEC)...

GENERAL INFORMATION:

SET FOR HEARING TODAY ON: Petition to Determine Succession to Real Property
filed by John Kozumplik, brother of decedent

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Decedent's Will leaves everything to her Trust, not to John J. Kozumplik as an individual.
2. Trustee of decedent's trust must execute the Petition to Determine Succession and request that all assets pass to him/her as Trustee. #16 of Petition must be completed as to name of trustee and all beneficiaries of trust.
3. Notice of Hearing failed to list names and addresses of persons notice was mailed to; notice is therefore defective and all persons must be re-noticed.

RECOMMENDATION:

Deny petition as presented, without prejudice.

CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/05/04

TIME: 8:30

DEPT: VPR -----

I. CASE #: VPRVS02289

CASE NAME: MTR OF FARACI LIVING TRUST

HEARING:

Petition for ORDERS TO DECLARE EXISTENCE OF TRUST; CURRENT TRUSTEE &
TRUST ESTATE

COUNSEL:

MARIE ELAINE FARACI (PET) ... ROBERT OTIS

ANGELO FARACI (DEC)...

DOMINICA J FARACI (DEC)...

GENERAL INFORMATION: Trust executed by Angelo & Dominica Faraci (Settlors) on 11/1/97; both Settlors are now deceased (Dominica died on 12/22/200 and Angelo on 1/3/2004. Marie Elaine Faraci is the successor trustee

SET FOR HEARING TODAY ON: Trustee requests this court find the following:

1. Trust was valid at date of last Settlor to die
2. Revised distribution is valid
3. Real property located on Mahogany Lane is an asset of the trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition fails to provide a copy of a Schedule A to the trust document that itemizes the trust assets; nor does petition set forth sufficient facts or point to specific language of the trust that states that the Mahogany Lane property was intended by the decedent to be a part of his trust. Article 1.1 (1) merely states that "certain real and personal properties, wherein the legal title has been designated as being held in trust" (2)...said assets constitute the trust estate." Petitioner has failed to provide sufficient points & authorities to support her position or provide specific documentation to support her claim that the Mahogany Lane property was **intended by the decedent** to be a part of his

trust. **Petitioner has filed a supplement citing Estate of Heggstad (1993) 16 Cal. App. 4th 943 for the premise that one need not actually transfer assets into the trust by way of deed in order for the asset to be trust property. What Heggstad said was if the assets are set forth in Schedule A of the trust this establishes an intent on the part of the settlor that the assets be a part of the trust. It is not necessary to actually transfer by deed to the trust. Here petitioner is attempting to ignore the reference to Schedule A in the case and merely cite the premise that it is not necessary to transfer by way of deed in order for the property to be part of the trust. The fact that something is on Schedule A shows the intent. That is what is missing in petitioner's analysis, a showing of intent that this particular piece of property be a part of the estate. Petitioner is also correct that a trust can be created by declaration. (Pr.C. § 15200). This analysis ignores Pr.C. § 15206. When one imposes a trust on real property the statute of frauds is applicable. There must be a writing showing that the property is subject to trust. Here the writing is too vague to find that the trust was impressed on this particular piece of property.**

2. Article 2, section 2.8 states the trust may be revoked or amended during the joint lives of the settlers; Article 3, section 3.8(1) states that only Trust A, the surviving spouse's share is subject to amendment or revocation; and 3.8(2) states all other trusts shall become irrevocable and non-amendable after the death of the first Settlor to die. Court is unable to determine if the "agreement regarding distribution" would affect the irrevocable trusts.
3. Agreement to Modify is not an amendment to the trust and petition fails to set forth which section of the trust allowed for such an "agreement regarding distribution".
4. **In reference to items 2 and 3 above the petitioner alleges that if all beneficiaries consent then they can compel the modification of the trust. (Pr.C. § 15403(a)). However, that section is subject to section (b), which requires a showing that the material purpose of the original trust will be carried out even with the modification. That has not been established by the petition. Additionally, petitioner contends that all beneficiaries have consented to the modification and directs the court to Exhibits 8-10 to establish this. Exhibits 8-10 merely establish a waiver of notice. They do not contain consents.**

RECOMMEND: In the absence of a stronger showing on the part of the settlor that his intent was include this particular piece of real property in the trust that portion of the petition should be denied. Assuming that that requests 2 and 3 are contingent on the court's ruling on issue 1, then it is likely that requests 2 and 3 will be withdrawn if the issue 1 is denied.

